



PATENT
Docket No. ARC012000500

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Rimas T. Lukas

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Thomas M. Baer

Serial No.: 09/357,423

Filing Date: July 20, 1999

For: FLUIDIC EXTRACTION OF
MICRODISSECTED SAMPLES

Examiner: LaToya I. CROSS

Group Art Unit: 1743

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Dear Commissioner:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08 and. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☒ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☒ A fee is required. A check in the amount of \$180 is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of * is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08 indicating that the information has been considered and made of record herein.


The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for

any required relief including extensions of time. The Office is invited to contact the applicant's representative at the number below to facilitate prosecution of this application.

Dated: June 14, 2004

Respectfully submitted,

By: 
Rimas T. Lukas
Registration No. (46,451)

Lukas IP Group
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Half Moon Bay, California 94019
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Facsimile: (650) 897-9944

Form PTO-1449

Docket Number ARC012000500

Application Number 09/357,423

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

Applicant

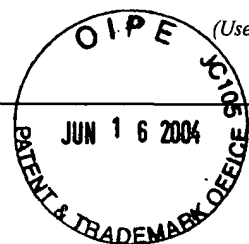
Thomas M. Baer et al.

Filing Date July 20, 1999

Group Art Unit 1743

Mailing Date: June 14, 2004

(Use several sheets if necessary)



U.S. PATENT DOCUMENTS

Examiner Initials	Ref No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	09/21/1993	5,246,866	Nasu et al.			
	2.	07/02/1996	5,532,128	Eggers et al.			
	3.	10/14/1997	5,677,197	Gordon et al.			
	4.	12/04/1997	USSN 08/984,979	Baer et al.			
	5.	12/04/1998	USSN 09/018,452	Baer et al.			
	6.	04/10/1998	USSN 09/058,711	Baer et al.			
	7.	05/26/1998	5,756,049	Brayton			
	8.	07/23/1998	USSN 09/121,635	Baer et al.			
	9.	07/23/1998	USSN 09/121,677	Baer et al.			
	10.	07/23/1998	USSN 09/121,691	Baer et al.			
	11.	08/25/1998	5,798,215	Cathey et al.			
	12.	12/01/1998	5,843,644	Liotta et al.			
	13.	12/01/1998	5,843,767	Beattie			
	14.	12/08/1998	USSN 09/208,604	Baer et al.			
	15.	01/12/1999	5,859,699	Baer et al.			
	16.	01/19/1999	5,860,937	Cohen			
	17.	02/23/1999	5,874,219	Rava et al.			
	18.	03/09/1999	5,879,625	Roslaniec et al.			
	19.	04/06/1999	5,891,630	Eggers et al.			
	20.	11/16/1999	5,985,085	Baer et al.			
	21.	05/01/2000	USSN 09/562,495	Lossing et al.			
	22.	07/17/2000	USSN 09/617,742	Baer et al.			
	23.	12/05/2000	6,157,446	Baer et al.			
	24.	03/20/2001	6,204,030 B1	Liotta et al.			

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1449

Docket Number ARC012000500

Application Number 09/357,423

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

(Use several sheets if necessary)

Applicant

Thomas M. Baer et al.

Filing Date July 20, 1999

Group Art Unit 1743

Mailing Date: June 14, 2004

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref No.	Date	Document No.	Country	Class	Subclass	Translation YES NO	
	25.	12/19/1996	WO 96/40435	PCT				
	26.	08/13/1998	WO 98/35215	PCT				
	27.	04/08/1999	WO 99/17094	PCT				

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref No.	Title
	28.	Brignole, E. (2000). "Laser-Capture Microdissection," pp. 1-5, located at<< http://pubs.acs.org/subscribe/journals/mdd/vO3/109/html/toolbox.html >> from <i>Modern Drug Discovery</i> , 3(9):60-70.
	29.	Chu, S. S. et al. (2000). "Laser Capture Microdissection: Applications in Cancer Research," Biomedical Products pp. 1-4.
	30.	Chiu, G. (1999). "The Ecosystems Within" Section F, Science & Technology <i>San Jose Mercury News</i> pp. 1-5.
	31.	Goldsworthy, S. M. et al. (1999). "Effects of Fixation on RNA Extraction and Amplification from Laser Capture Microdissected Tissue" <i>Molecular Carcinogenesis</i> 25:86-91.
	32.	Isenberg et al., (1976) "Cell surgery by laser micro-dissection: a preparative method." <i>Journal of Microscopy</i> , Vol. 107, pt I pp. 19-24.
	33.	Relman, (1999) "The Search for Unrecognized Pathogens," <i>Microbes, Immunity, and Disease</i> , www.sciencemag.org Science Vol. 284, pp. 1308 1310.
	34.	Simone, N.L. et al. (1998). "Laser-Capture Microdissection: Opening the Microscopic Frontier to Molecular Analysis," <i>Trends In Genetics</i> 14(7): 272-276.

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.



PTO/SB/21 (02-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/357,423	
	Filing Date	July 20, 1999	
	First Named Inventor	Thomas M. Baer	
	Art Unit	1743	
	Examiner Name	LaToya I. CROSS	
Total Number of Pages in This Submission	7+34refs	Attorney Docket Number	ARC012000500

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	- SB/08 - 2 pages
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	- Return Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	- 34 references
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Rimas T. Lukas (Reg. No. 46,451)
Signature	
Date	June 14, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Rimas T. Lukas		
Signature		Date	June 14, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IPW/4 17438

PTO/SB/17 (10-03)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180

Complete if Known

Application Number	09/357,423
Filing Date	July 20, 1999
First Named Inventor	Thomas M. Baer
Examiner Name	LaToya I. CROSS
Art Unit	1743
Attorney Docket No.	ARC012000500

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit
Account
Number
Deposit
Account
Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☐ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below		Fee Paid
Total Claims	<input type="text"/>	-20** =	<input type="text"/>	X	<input type="text"/>	
Independent Claims	<input type="text"/>	- 3** =	<input type="text"/>	X	<input type="text"/>	
Multiple Dependent					<input type="text"/>	

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 180

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Rimas T. Lukas	Registration No. (Attorney/Agent)	46,451	Telephone	650-560-0076
Signature		Date	June 14, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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